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OFFICE OF PETITIONS

ON PETITION

In re Application of:

Kim
Application No. 08/250,770
Filed: May 27, 1994
Attorney Docket No. P53706

This is a decision on the March 14, 2002 petition under 37 C.F.R. §1.137(b) to revive the above-identified application from an abandoned status.

This application was held abandoned in view of the decision by the Board of Patent Appeals and Interferences (Board) on June 28, 2001 and because the period for seeking court review of the decision has expired and there are no allowed claims. The office mailed a notice of abandonment on October 19, 2001.

This petition is unsigned. Correspondence filed with the United States Patent and Trademark Office is required to be signed.¹ While the Commissioner does have the authority to waive the requirements of the rules, that discretion is not complete. Furthermore, it is well settled that waiver of the rules under 37 C.F.R. §1.183 requires 1) an extraordinary situation where 2) justice requires waiver.² No such situation has been presented here.

Accordingly, a signed petition is requested before consideration of the merits of the petition's assertions will commence.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted.³ The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)".

Further correspondence with respect to this matter should be addressed as follows:

¹ See, 37 C.F.R. §§1.4 & 10.18(a)

² *In re Bachler*, 229 U.S.P.Q. (BNA) 553 (Comm'r Pat. & Trademarks Mar. 13, 1986). *Nitto Chem. Indus. Co. v. Comer*, 1994 U.S. Dist. LEXIS 19211, 39 U.S.P.Q.2d (BNA) 1778 (D.D.C. Mar. 7, 1994), *Helfgott & Karas, P.C. v. Dickenson*, 209 F.3d 1328, 2000 U.S. App. LEXIS 6922, 54 U.S.P.Q.2d (BNA) 1425 (Fed. Cir. 2000), *O v. T*, 231 U.S.P.Q. (BNA) 79 (Comm'r Pat. & Trademarks Feb. 11, 1986), *Gustafson v. Strange*, 227 U.S.P.Q. (BNA) 174 (Comm'r Pat. & Trademarks June 12, 1985) *Issidorides v. Ley*, 4 U.S.P.Q.2d (BNA) 1861 (Comm'r Pat. & Trademarks June 3, 1985)

³ 37 C.F.R. §1.137(d)

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Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.



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